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book to the prospective visitor of Rome is much lessened by the way in which this material is presented, and perhaps has to be presented, the plan of the book remaining what it is. At the end of the account of each pope who left any important impress on Rome's external appearance is given a rather inchoate summary of the changes made throughout the city during his time. The fact that the buildings, streets, and monuments are not classified or grouped in any way, makes it extremely difficult to follow the history of any individual object; one would have to hunt through the whole book for it, and the index only very partially helps in this matter.

As to some minor matters, one feels at the conclusion of the book that many bloody and tragic details and accounts of ceremonial and pageantry might well have been omitted; they repeat themselves from pontificate to pontificate and century to century until one thoroughly tires of them, and there is a conviction that the author is underrating the calibre of his audience in giving them so much of this and so little intelligent interpretation and explanation. Also his very frequent allusions to present-day matters, brought in as if to enliven the subject and in language verging on the slangy or modern newspaper order but having no valid connection with the matter in hand, certainly add nothing to the force and clearness of the book and vitiate any dignity in its style.

A. B. WHITE.

Edward Plantagenet (Edward I.), the English Justinian or the Making of the Common Law. By EDWARD JENKS. (New York and London: G. P. Putnam's Sons. 1902. Pp. xxiv, 360.)

THIS volume sustains the high reputation already gained by the useful "Heroes of the Nations" series. The author apologizes "for the intrusion of a mere lawyer upon a scene so dominated by great historians," because he is unable to "understand how any one but a lawyer can possibly appreciate the true inwardness of Edward's reign." For "the Common Law which came into existence during his lifetime was, and is, the very picture of English national life, the concrete form into which the national spirit crystallizes with the moving centuries." Such an apology, it is to be hoped, will hereafter be unnecessary. Happily it is becoming pretty well recognized that a thorough treatment of institutional history implies a broad knowledge of law; just as an intimate acquaintance with the details of constitutional development is absolutely essential for a scientific study of jurisprudence. Indeed the most original and helpful parts of Mr. Jenks's book are those in which the great statutes of Edward's reign are analyzed and interpreted.

The first three chapters present a rapid but vigorous sketch of European history previous to the year 1250. Of these the first chapter, entitled "The Middle Ages in Europe," deals especially with the origin of feudalism and with the rise, decay, and revival of monastic institutions; the second, with the "Emergence of Modern Europe"; while the third draws a clear picture of "England in the Thirteenth Century," accent-

ing the economic and social conditions and explaining the meaning of the advent and influence of the friars of the order of St. Francis. The next three chapters give a concise history of Henry III.'s reign to the close of the Barons' War. Here the reader finds little with which he is not already familiar from the works of Stubbs and other writers, except that some new proofs and illustrations have been gleaned through an independent examination of the sources. The character and ability of Simon de Montfort are duly appreciated; and the crisis of 1258 is explained as mainly the result of the royal extravagance, the papal extortion, and the greed of the horde of foreign place hunters.

By far the most interesting portions of the book are the seventh, ninth and thirteenth chapters in which Edward's legislation and reformatory measures are discussed. The King's "first great act of home policy is significant. Two months had not elapsed since his return" from France after his father's death, "when he ordered a great enquiry into the feudal franchises." In England, feudalism had "shaped itself in conscious imitation of foreign models, and had aimed deliberately at reproducing the anarchic privileges of the Continental seigneur." Although this purpose was but partially realized, the "King's officials, traversing the land to exercise justice or to collect revenue found themselves met by claims of feudal privileges which deprived them of the power to exercise their most important duties." These claims were of course most pretentious in the palatinates, and in the "Marcher Earldoms on the Welch border, which came very near them in feudal independence." In 1274, therefore, a systematic visitation of all the franchises of England was made "on a scale like that of Domesday itself, with a view to ascertain the exact boundaries of feudal and royal jurisdiction." The "labour of the commissioners resulted in the following year, in the compilation of the Hundred Rolls, a record second only in importance to Domesday Book, as a picture of national life in a remote age." If the latter is the great Tax or Geld Book, the former is the great Franchise Book, of the medieval kingdom. The report of the commissioners was followed by the Eyre of 1279 which resulted in a conservative reform of existing abuses and put a stop to further encroachments. Scarcely less significant of Edward's policy is his earliest great law, "the famous statute of Westminster the First," adopted at a parliament of "magnates" in 1275, and designed to remedy the corruption and other abuses of the official system. But especially instructive is the author's discussion of the Statute of Merchants or Acton Burnell (1283) in its relation to the Statute of Entails or *De Donis* as the first chapter of the Statute of Westminster the Second (1285) is called. Before Edward's day the merchant could only with great difficulty enforce the payment of a debt. The "right of the creditor to seize the chattels of his debtor, through the hands of the sheriff, had become generally recognized. But the strongest instincts of feudalism were opposed to the suggestion that a debtor's land might be sold for payment of his debts, and a new tenant thus imposed upon his lord." The Statute of Merchants changed all

this. "If the debtor fails to pay, at the appointed time, he may not only be imprisoned, but his chattels and 'burgage' tenements (*i. e.*, lands in the borough) may be sold, without any preliminary proceedings, by the mayor to satisfy the debt, or if there is any difficulty in effecting the sale, the debtor's chattels and *all* his lands may be handed over at a reasonable valuation to the creditor, until, out of the issues, the debt is liquidated." The remedy was effective though radical. Hence, it is pointed out by Mr. Jenks, the institution of entails in the same year must be regarded as a kind of counter concession to the feudal aristocracy, which was rendered of little practical value through the later invention of the collusive action by common recovery.

Lack of space prevents further illustration of the author's discussion of Edward's constructive legislation. It must suffice to say that his book is a well-written and sound contribution to English constitutional history.

GEORGE ELLIOTT HOWARD.

Histoire de France depuis les Origines jusqu'à la Révolution. Par ERNEST LAVISSE. Tome IV. Les Premiers Valois et la Guerre de Cent Ans (1328-1422). Par A. COVILLE. (Paris : Hachette et Cie. 1902. Pp. 448.)

THE political and social transformations of France during the Hundred Years War were so remarkable, the evolution of institutions and ideas so rapid, the relations of France with foreign states so intricate, the military events so far-reaching in effect, that the co-ordination of these various classes of writing has really never been attempted by one historian to any great extent in this particular field. The distinction between classifications is as sharp as that between the constitutional history of England and its political and military history, without such a divorce in the writing thereof being possible in the case of France. The Battle of Poitiers had little effect upon the development of the English Parliament. It exerted an immense influence upon the political, institutional and social history of France.

M. Coville at the first blush seems to have achieved his task admirably. But examination discloses that he has limited himself almost wholly to French sources. The limitation was natural, perhaps even necessary, in view of the immensity of the subject, and would not have jeopardized the general result in almost any other period of French history ; but the omission is unfortunate in this case. French and English history become in many ways the obverse and reverse side of the same thing during these centuries ; not all the truth, and often not enough of the truth to make the treatment intelligible and just can be derived from one side exclusively.

In common with every French historian, M. Coville exaggerates the importance of Edward III.'s claim to the throne of France and the vexed question of liege homage. The first was not a cause of war at all, but merely a pretext to cover the real reasons of the English ; and the question of homage was not a legal quibble merely. Edward was determined